

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO: 5:15-CV-00522-BR

This matter is before the court upon the 31 October 2016 memorandum and recommendation (“M&R”) of U.S. Magistrate Judge James E. Gates that this action be dismissed. (DE # 8.) Plaintiff has not filed an objection to the M&R.¹ The court adopts the M&R as its own, and for the reasons stated therein, plaintiff’s complaint is DISMISSED WITHOUT PREJUDICE as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). The Clerk is DIRECTED to enter judgment accordingly and close this case.

This 23 November 2016.

Paul Bitt

W. Earl Britt
Senior U.S. District Judge

¹The Clerk's office mailed a copy of the M&R to two addresses it had for plaintiff. (See D.E. # 8 Remark.) The mailing to one address was returned, marked "RETURN TO SENDER[,] NOT DELIVERABLE AS ADDRESSED[,] UNABLE TO FORWARD." (DE # 9-1.)